

INITIATIVE 189

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 189 to the Legislature is a true and correct copy as it was received by this office.

Initiative Text

INITIATIVE MEASURE NO. 189

AN ACT Relating to campaign contribution limitations; amending RCW 42.17.030, 42.17.020, 42.17.610, 42.17.640, 42.17.660, 42.17.670, and 42.17.700; adding a new section to chapter 42.17 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. Applicability--Exceptions. RCW 42.17.030 and 1987 c 295 s 18 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405(2) through (5). However, the provisions of RCW 42.17.610 through 42.17.790 relating to

1 campaign contribution limitations apply to all state and local election
2 campaigns and ballot measures.

3 NEW SECTION. Sec. 2. Definitions.

4 (1) "Constituent" means an individual residing in an area where
5 individuals are eligible to vote for the position for which a candidate
6 is seeking office or for a ballot measure.

7 (2) "Individual" means a natural person.

8 (3) "Local office" means an elected governmental position, other
9 than that of a state official, including elected judicial, special
10 district, county, and municipal offices.

11 (4) "Local official" means an elected officer who is not a state
12 official, including elected judicial, special district, county, and
13 municipal officers.

14 **Sec. 3.** RCW 42.17.128 Use of public funds for political purposes.
15 Public funds, whether derived through taxes, fees, penalties, or any
16 other sources, shall not be used to finance political campaigns for
17 state ~~or local~~ office.

18
19 **Sec. 4. Findings.** RCW 42.17.610 and 1993 c 2 s 1 are each amended
20 to read as follows:

21 The people of the state of Washington find and declare that:

22 (1) The past system of campaign financing has led to candidates and
23 campaigns receiving large amounts of money from relatively few sources.
24 These sources predominately represent monetary, corporate, and narrow
25 special interests. The amounts of money received bear no direct
26 correlation to constituent support of the candidate's ideas or
27 positions, or public support for a campaign.

28 (2) The availability of these large sums of money has drastically
29 increased the costs of campaigning, which has led to still greater
30 reliance on this money and further diminishes the role and importance
31 of constituents and individuals in the campaign process. Despite
32 increasing campaign expenditures, the useful information presented to
33 the voters for making intelligent choices has not increased and in many
34 ways has actually declined.

35 (3) Corporations, both profit and nonprofit, and other such
36 entities enjoy state-conferred rights, protections, and advantages
37 making possible the amassing of vast amounts of wealth. When this

1 wealth is allowed to pour into the political process without
2 correlation to individual and constituent support of ideas, it distorts
3 the political process and diminishes the influence and faith of
4 constituents and voters.

5 (4) The past system of campaign financing has led to real and
6 apparent conflicts of interests, where candidates must frequently
7 choose between promoting the wishes of their contributors and the
8 desires of their constituents. These conflicts are particularly
9 egregious when these contributors are from outside their district or
10 represent nonvoting entities such as corporations, businesses, and
11 other nonconstituent special interests, rather than individuals and
12 constituents.

13 (5) The past system of campaign financing has for the above reasons
14 led to voter frustration and apathy, and public distrust of government.
15 Large portions of the public believe that elected officials, and those
16 they appoint, supervise, or influence, place the concerns of
17 significant contributors above those of the public and their
18 constituency. This has led to a steady decline in voter registration,
19 voter participation, and election turnout, as well as great public
20 distrust, frustration, and cynicism concerning our governmental
21 institutions and leadership. This undermines the integrity and
22 threatens the viability of our democratic system of government.

23 (6) The state and the people have a compelling state interest:

24 (a) That their governmental representatives first and foremost
25 represent the interests of their constituency and the public, free of
26 unnecessary or avoidable conflicts of interest;

27 (b) That financing of campaigns should engender speech and levels
28 of speech that reflect the level of support candidates or campaigns
29 enjoy in their constituency and representative area and provide and
30 assure constituents meaningful roles in the process;

31 (c) That large monetary contributions not distort the political
32 process or dilute the effective free speech rights of constituents.

33 (7) The above concerns, problems, and interests are best resolved
34 by assuring that financing of campaigns comes first and foremost from
35 the constituency.

36 (8) The financial strength of certain individuals or organizations
37 should not permit them to exercise a disproportionate or controlling
38 influence on the election of candidates.

1 ((+2)) (9) Rapidly increasing political campaign costs have led
2 many candidates to raise larger percentages of money from special
3 interests with a specific financial stake in matters before state
4 government. This has caused the public perception that decisions of
5 elected officials are being improperly influenced by monetary
6 contributions.

7 ((+3)) (10) Candidates are raising less money in small
8 contributions from individuals and more money from special interests.
9 This has created the public perception that individuals have an
10 insignificant role to play in the political process.

11 (11) Advancements in computer and record keeping technology have
12 greatly reduced record keeping burdens and simplified meeting reporting
13 requirements so that determination and reporting of contributors
14 constituent status and legislative districts is not a significant
15 burden.

16 NEW SECTION. Sec. 5. Declaration of policy. A new section is
17 added to chapter 42.17 RCW to read as follows:

18 It is the policy of the people and state of Washington that to the
19 extent constitutionally permissible:

20 (1) The financing of political campaigns should come from
21 constituents;

22 (2) The financial expression of the political interests of
23 corporations, businesses, and associations in the political process
24 should be expressed by the contributions of their individuals who are
25 constituents of the candidate or constituents in the area of the ballot
26 question.

27 **Sec. 6. Limits specified--Exemptions.** RCW 42.17.640 and 1995 c
28 397 s 20 are each amended to read as follows:

29 (1) No person, other than a bona fide political party ~~or a caucus~~
30 ~~political committee~~, may make contributions to a candidate for a state
31 ~~((legislative office that in the aggregate exceed five hundred dollars~~
32 ~~or to a candidate for a state office other than a state legislative))~~
33 office that in the aggregate exceed ((one thousand)) five hundred
34 dollars for each election in which the candidate is on the ballot or
35 appears as a write-in candidate. Contributions made with respect to a
36 primary may not be made after the date of the primary. Contributions

1 made with respect to a general election may not be made after the final
2 day of the applicable election cycle.

3 (2) No person, other than a bona fide political party ~~or a caucus~~
4 ~~political committee~~, may make contributions to a state official against
5 whom recall charges have been filed, or to a political committee having
6 the expectation of making expenditures in support of the recall of the
7 state official, during a recall campaign that in the aggregate exceed
8 five hundred dollars ~~((if for a state legislative office or one~~
9 ~~thousand dollars if for a state office other than a state legislative~~
10 ~~office))~~.

11 (3)(a) No person may make contributions to a candidate for any
12 local office or ballot measure that in the aggregate exceed five
13 hundred dollars for each election in which the candidate or ballot
14 measure is on the ballot or in which the candidate appears as a write-
15 in candidate; except that in partisan candidate races, political party
16 organizations of a given party (including all caucuses, national,
17 state, and local party chapters or organizations) may contribute to a
18 candidate, in the aggregate for all party organizations combined, up to
19 the annual salary of the position for which the candidate is running or
20 ten thousand dollars, whichever is greater, during one election cycle.

21 (b) No person may make contributions to a continuing political
22 committee, party organization, or caucus that in the aggregate exceed
23 five hundred dollars per year.

24 (c) Contributions made with respect to a primary may not be made
25 after the date of the primary. Contributions made with respect to a
26 general election may not be made after the final day of the applicable
27 election cycle. Contributions to ballot measures before certification
28 for the ballot count towards the aggregate election cycle contribution
29 limit.

30 (d) A local jurisdiction or special district may establish more
31 stringent contribution limits for offices within its jurisdiction.

32 (4)(a) Notwithstanding subsection (1) of this section, no bona fide
33 political party ~~or caucus political committee~~ may make contributions to
34 a candidate for state office during an election cycle that in the
35 aggregate exceed (i) fifty cents multiplied by the number of eligible
36 registered voters in the jurisdiction from which the candidate is
37 elected if the contributor is a ~~caucus political committee~~ or the
38 governing body of a state organization, or (ii) twenty-five cents
39 multiplied by the number of registered voters in the jurisdiction from

1 which the candidate is elected if the contributor is a county central
2 committee or a legislative district committee.

3 (b) No candidate for state office may accept contributions from a
4 county central committee or a legislative district committee during an
5 election cycle that when combined with contributions from other county
6 central committees or legislative district committees would in the
7 aggregate exceed twenty-five cents times the number of registered
8 voters in the jurisdiction from which the candidate is elected.

9 ~~((+4))~~ (c) Notwithstanding (a) and (b) of this subsection,
10 political party organizations of a given party (including all caucuses,
11 national, state, and local party chapters or organizations) may not
12 contribute to a candidate for a partisan position, in the aggregate for
13 all party organizations combined, more than the annual salary of the
14 position for which the candidate is running or ten thousand dollars,
15 whichever is greater, during an election cycle. For contributions to
16 ballot measures, nonpartisan candidate races, or noncandidate political
17 committees, party organizations are considered political committees and
18 are limited to contributions not to exceed five hundred dollars. In no
19 event may party organizations give contributions to candidates for
20 positions not representing their region or district.

21 (5)(a) Notwithstanding subsection (2) of this section, no bona fide
22 political party ~~or caucus political committee~~ may make contributions to
23 a state official against whom recall charges have been filed, or to a
24 political committee having the expectation of making expenditures in
25 support of the state official, during a recall campaign that in the
26 aggregate exceed (i) fifty cents multiplied by the number of eligible
27 registered voters in the jurisdiction entitled to recall the state
28 official if the contributor is ~~a caucus political committee or the~~
29 governing body of a state organization, or (ii) twenty-five cents
30 multiplied by the number of registered voters in the jurisdiction from
31 which the candidate is elected if the contributor is a county central
32 committee or a legislative district committee.

33 (b) No state official against whom recall charges have been filed,
34 no authorized committee of the official, and no political committee
35 having the expectation of making expenditures in support of the recall
36 of a state official may accept contributions from a county central
37 committee or a legislative district committee during an election cycle
38 that when combined with contributions from other county central
39 committees or legislative district committees would in the aggregate

1 exceed twenty-five cents multiplied by the number of registered voters
2 in the jurisdiction from which the candidate is elected.

3 ~~((+5))~~ (c) Notwithstanding (a) and (b) of this subsection,
4 political party organizations of a given party (including all caucuses,
5 national, state, and local party chapters or organizations) may not
6 contribute to any state or local partisan official against whom recall
7 charges have been filed, in the aggregate for all party organizations
8 combined, more than the annual salary of the position for which the
9 candidate is running or ten thousand dollars, whichever is greater,
10 during an election cycle. For contributions to nonpartisan officials
11 against whom recall charges have been filed, party organizations are
12 considered political committees and are limited to contributions not to
13 exceed five hundred dollars. In no event may party organizations give
14 contributions to an official against whom recall charges have been
15 filed that does not represent their region or district.

16 (6) For purposes of determining contribution limits under
17 subsections ~~((+3) and)~~ (4) and (5) of this section, the number of
18 eligible registered voters in a jurisdiction is the number at the time
19 of the most recent general election in the jurisdiction.

20 ~~((+6))~~ (7) Notwithstanding subsections (1) through ~~((+4))~~ (5) of
21 this section, no person ~~((other than an individual))~~, bona fide
22 political party, or caucus political committee may make contributions
23 reportable under this chapter to a caucus political committee ~~((that in~~
24 ~~the aggregate exceed five hundred dollars in a calendar year))~~ or to a
25 bona fide political party that in the aggregate exceed ~~((two thousand))~~
26 five hundred dollars in a calendar year. This subsection does not
27 apply to loans made in the ordinary course of business.

28 ~~((+7))~~ (8) For the purposes of RCW 42.17.640 through 42.17.790, a
29 contribution to the authorized political committee of a candidate, or
30 of ~~((a state))~~ an elected official against whom recall charges have
31 been filed, is considered to be a contribution to the candidate or
32 ~~((state))~~ elected official.

33 ~~((+8))~~ (9) A contribution received within the twelve-month period
34 after a recall election concerning ~~((a state))~~ an elected office is
35 considered to be a contribution during that recall campaign if the
36 contribution is used to pay a debt or obligation incurred to influence
37 the outcome of that recall campaign.

38 ~~((+9))~~ (10) The contributions allowed by subsection (2) of this
39 section are in addition to those allowed by subsection (1) of this

1 section, and the contributions allowed by subsection ~~((+4+))~~ (5) of
2 this section are in addition to those allowed by subsection ~~((+3+))~~ (4)
3 of this section.

4 ~~((+10+))~~ (11) RCW 42.17.640 through 42.17.790 apply to a special
5 election conducted to fill a vacancy in a state or local office.
6 However, the contributions made to a candidate or received by a
7 candidate for a primary or special election conducted to fill such a
8 vacancy shall not be counted toward any of the limitations that apply
9 to the candidate or to contributions made to the candidate for any
10 other primary or election.

11 ~~((+11+))~~ (12) Notwithstanding the other subsections of this
12 section, no corporation ~~((or))~~, business entity ~~((not doing business in~~
13 ~~Washington state, no labor union with fewer than ten members who reside~~
14 ~~in Washington state, and no political committee that has not received~~
15 ~~contributions of ten dollars or more from at least ten persons~~
16 ~~registered to vote in Washington state during the preceding one hundred~~
17 ~~eighty days may make contributions reportable under this chapter to a~~
18 ~~candidate, to a state official against whom recall charges have been~~
19 ~~filed, or to a political committee having the expectation of making~~
20 ~~expenditures in support of the recall of the official))~~, labor union,
21 or other association, except an incorporated or unincorporated
22 political committee, may make contributions to a candidate, official
23 against whom recall charges have been filed, political committee,
24 political party or caucus, or ballot measure. Those entities may
25 establish political committees and solicit funds in segregated accounts
26 for these committees solely in the form of individual contributions
27 from their directors, management, stockholders, members, or employees.
28 This subsection does not apply to loans made in the ordinary course of
29 business.

30 ~~((+12+))~~ (13)(a) No political committee, party, caucus, or
31 candidate may accept contributions, contribute, or expend moneys from
32 outside the state of Washington, or from outside a district,
33 jurisdiction, or representational area to affect or influence a ballot
34 or election outcome in a given district, jurisdiction, or
35 representational area. This prohibition does not apply to federal
36 offices or elections.

37 (b) No individual may contribute money to a political committee,
38 party, caucus, or candidate to affect or influence a ballot or election

1 outcome in a Washington district, jurisdiction, or representational
2 area in which that individual is not a constituent.

3 (c) Political committees may not accept, contribute, or expend
4 money to affect or influence a ballot or election outcome in a
5 Washington district, jurisdiction, or representational area in excess
6 of what they have received in contributions from constituents in that
7 district, jurisdiction, or representational area. Political committees
8 shall maintain records enabling the commission and the committee to
9 identify the district or representational area of individual
10 contributors.

11 (14) Notwithstanding the other subsections of this section, no
12 county central committee or legislative district committee may make
13 contributions reportable under this chapter to a candidate, state or
14 local official against whom recall charges have been filed, or
15 political committee having the expectation of making expenditures in
16 support of the recall of a state or local official if the county
17 central committee or legislative district committee is outside of the
18 jurisdiction entitled to elect the candidate or recall the state or
19 local official.

20 ~~((+13+))~~ (15) No person may accept contributions that exceed the
21 contribution limitations provided in this section.

22 ~~((+14+))~~ (16) The following contributions are exempt from the
23 contribution limits of this section:

24 (a) An expenditure or contribution earmarked for voter
25 registration, for absentee ballot information, for precinct caucuses,
26 for get-out-the-vote campaigns, for precinct judges or inspectors, for
27 sample ballots, or for ballot counting, all without promotion of or
28 political advertising for individual candidates; or

29 (b) An expenditure by a political committee for its own internal
30 organization or fund raising without direct association with individual
31 candidates.

32 **Sec. 7. Attribution of contributions by controlled entities.** RCW
33 42.17.660 and 1993 c 2 s 6 are each amended to read as follows:

34 For purposes of this chapter:

35 (1) A contribution by a political committee with funds that have
36 all been contributed by one person who exercises exclusive control over
37 the distribution of the funds of the political committee is a
38 contribution by the controlling person.

1 (2) Two or more entities are treated as a single entity if one of
2 the two or more entities is a subsidiary, branch, or department of a
3 corporation, business, association, or a local unit, branch, or
4 affiliate of a trade association, labor union, or collective bargaining
5 association. All contributions made by a person or political committee
6 whose contribution or expenditure activity is financed, maintained, or
7 controlled by a trade association, labor union, collective bargaining
8 organization, or the local unit of a trade association, labor union, or
9 collective bargaining organization are considered made by the same
10 person or entity.

11 **Sec. 8. Attribution of contributions generally--"Earmarking."** RCW
12 42.17.670 and 1993 c 2 s 7 are each amended to read as follows:

13 All contributions made by a person or entity, either directly or
14 indirectly, to a candidate, to a state or local official against whom
15 recall charges have been filed, or to a political committee, are
16 considered to be contributions from that person or entity to the
17 candidate, state or local official, or political committee, as are
18 contributions that are in any way earmarked or otherwise directed
19 through an intermediary or conduit to the candidate, state or local
20 official, or political committee. For the purposes of this section,
21 "earmarked" means a designation, instruction, or encumbrance, whether
22 direct or indirect, expressed or implied, or oral or written, that is
23 intended to result in or does result in all or any part of a
24 contribution being made to a certain candidate or state or local
25 official. If a conduit or intermediary exercises any direction or
26 control over the choice of the recipient candidate or state or local
27 official, the contribution is considered to be by both the original
28 contributor and the conduit or intermediary.

29 **Sec. 9. Contributions before December 5, 1996.** RCW 42.17.700 and
30 1993 c 2 s 10 are each amended to read as follows:

31 Contributions made and received before December ((3,1992)) 5,
32 1996, are considered to be contributions under RCW 42.17.640 through
33 42.17.790. Monetary contributions that exceed the contribution
34 limitations and that have not been spent by the recipient of the
35 contribution by December ((3,1992)) 5, 1997, must be disposed of in
36 accordance with RCW 42.17.095.

1 NEW SECTION. **Sec. 10. Severability.** If any provision of this act
2 or its application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 11. Construction--Conflict.** The provisions of
6 this act are remedial in nature and are to be liberally construed to
7 effectuate the policies and purposes of this act. In the event of
8 conflict between the provisions of this act and any other act, the
9 provisions of this act shall govern.

10 NEW SECTION. **Sec. 12. Captions not law.** Section captions used in
11 this act are not part of the law.

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